

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

TODD PHILLIPS, et al	*	CIVIL ACTION NO: 17-1524
VERSUS	*	DISTRICT JUDGE DOUGHTY
JULIAN WHITTINGTON, et al	*	MAGISTRATE JUDGE HORNSBY

MOTION TO ENFORCE SETTLEMENT AGREEMENT

NOW INTO COURT, through undersigned counsel, come the Plaintiffs, TODD PHILLIPS, JODI PHILLIPS, BROOKE PHILLIPS LOTTINGER, and ABBY PHILLIPS (collectively, Plaintiffs), who respectfully move this Honorable Court for an Order enforcing the terms of the settlement agreed upon by the remaining parties on the following grounds:

1.

On April 14, 2023, the remaining parties, Plaintiffs, Gary Wilson, Carrie Winford, and their counsel, participated in mediation with Magistrate Judge Kayla McClusky in order to reach a resolution of the Plaintiffs' claims against Defendants Gary Wilson and the Estate of Coty Wilson.

2.

The parties reached an agreement following lengthy and contentious discussions, and the substance of the agreement was entered on the record at the conclusion of the mediation and confirmed in writing by Magistrate McClusky.

3.

Since April 14, 2023, the parties have been unable to effect a formal settlement agreement as Defendant Gary Wilson has insisted on additional provisions which were not previously agreed upon and which are not acceptable to Plaintiffs. Additionally, Plaintiffs submit that some of the provisions proposed by Defendant Gary Wilson are detrimental and intended to prejudice the value to be obtained by Plaintiffs pursuant to the terms of the settlement agreement.

4.

Accordingly, Plaintiffs, through undersigned counsel, respectfully request that this Honorable Court enter an Order requiring the parties to comply with the terms of the agreement as stated on April 14, 2023. Alternatively, Plaintiffs request that this matter be set for hearing at which time all remaining parties, and all persons with an interest in the real property located at 356 Cottage Grove Road, Benton, Louisiana 71006, be required to attend in person in order to resolve any remaining issues with respect to the settlement of Plaintiffs' remaining claims.

WHEREFORE, Plaintiffs, TODD PHILLIPS, JODI PHILLIPS, BROOKE PHILLIPS LOTTINGER, and ABBY PHILLIPS, respectfully pray for an Order requiring the parties to comply with the terms of the agreement as stated on April 14, 2023, or, alternatively, for an Order setting this matter for hearing at which time all remaining parties, and all persons with an interest in the real property located at 356 Cottage Grove Road, Benton, Louisiana 71006, be required to attend in person in order to resolve any remaining issues with respect to the settlement of the Plaintiffs' remaining claims.

Respectfully submitted,

CARMOUCHE, BOKENFOHR, BUCKLE & DAY

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